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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-------------------------|---------------------|------------------|
| 09/177,356 | 10/23/1998 | FRANCIS J. MAGUIRE, JR. | 313-010-1 | 2996 |

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EXAMINER

SALCE, JASON P

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2614

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 09/177,356 | Applicant(s) MAGUIRE, JR., FRANCIS J. | |
| | Examiner Jason P. Salce | Art Unit 2614 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 22-24, 26 and 28-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4 is/are allowed.
- 6) ☒ Claim(s) 5 is/are rejected.
- 7) ☒ Claim(s) 22-24, 26 and 28-32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claim 5 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yasumaru et al. (U.S. Patent No. 5,662,523) in view of Jarrett (U.S. Patent No. 5,252,070).

Referring to claim 5, Yasumaru discloses an n-axis display platform (see control unit 20 in Figure 5, which is part of the user's seat (also note Column 5, Lines 49-53)), responsive in a passive mode to an attitudinal control signal (see Figure 4 and Column 4, Lines 60-67 and Column 6, Lines 3-24 for the control unit containing a position sensor device, which detects position signals from another player's HMD 15 and also note Column 10, Lines 27-37 and Figure 12 for player 1 being a passive viewer when player 0 acts as an active user and moves his or her head in a direction that is displayed on the HMD of player 1) and responsive in an active mode to attitudinal movements of a user's head for providing sensed signals indicative of said attitudinal

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movements (see Figure 4 and Column 4, Lines 60-67 and Column 6, Lines 3-24 for the control unit containing a position sensor device, which senses and provides position signals detected from the player's HMD 25 and also note Column 10, Lines 4-15 and Figure 12 for player 0 being the active user by turning his head to the right and providing those sensed position signals to player 1's control unit).

Yasumaru also discloses a display (HMD 15 in Figure 1) connected to said n-axis display platform (see Column 6, Lines 3-24 for each player having a control unit 20 connected to an HMD 15, which contains position sensors that provide information to or from a particular player's HMD 15), responsive to a video signal, for displaying images corresponding to said attitudinal movements (see Figures 11 and 12 and Column 9, Line 55 through Column 10, Line 43).

Although Yasumaru teaches that the user's are mechanically guided using a hydraulic machine (see Column 4, Lines 16-19), Yasumaru fails to teach mechanically guiding the user's head.

Jarrett discloses a head positioning control device for a flight simulator, which detects simulated movement from a user and mechanically guide's the user's head according to the attitudinal control signal (see Figures 1-2 and Column 1, Lines 54-58).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the HMD 15, as taught by Yasumaru, using the head control unit, as taught by Jarrett, for the purpose of providing in a flight simulated environment, a helmet controlled force proportional to the instantaneous incremental

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load factor of a modeled aircraft (see Column 1, Lines 47-51), i.e. guiding the user's head according to the sensed position of the user in the simulated aircraft.

Allowable Subject Matter

3. Claims 1-4 are allowed.
4. Claims 22-24, 26 and 28-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

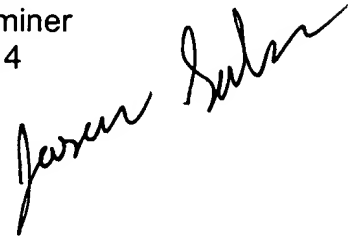
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason P Salce
Patent Examiner
Art Unit 2614

A handwritten signature in black ink, appearing to read "Jason Salce", written diagonally across the printed name and title.

February 6, 2005